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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,  
JULIAN SANTIAGO, and SUSAN LYNN  
HARVEY individually and on behalf of all  
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF JAMES LEE IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO GOOGLE'S MOTION  
TO STRIKE DAMAGES SUPPLEMENT**

Judge: Hon. Richard Seeborg  
Courtroom 3 – 17th Floor  
Date: February 13, 2025  
Time: 1:30 P.M.

**DECLARATION OF JAMES LEE**

I, James Lee, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP (“BSF”), counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted pro hac vice for this case. Dkt. 9. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in support of Plaintiffs’ opposition to Google’s motion to strike Plaintiffs’ supplemental damages disclosures.

3. In the late Spring or early Summer of 2022, Mark Mao and I met and conferred with Google’s counsel, Eduardo Santacana, by telephone, to discuss Google’s position on Plaintiffs’ request for production of a sample of the app activity data Google collected from class members.

4. During that meet-and-confer, Mr. Santacana explained that Google would not produce any sample of app activity data collected from absent class members during the fact discovery period because a class had not yet been certified.

5. Mr. Santacana promised, however, that Google would produce app activity data collected from a sample of absent class members if and when the Court were to certify any classes in this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of January 2025, at Miami, Florida.

/s/ James Lee